

OFFICE OF THE GENERAL COUNSEL
Division of Operations-Management

MEMORANDUM OM 04-32

March 1, 2004

TO : All Regional Directors, Officers-in-Charge,
and Resident Officers

FROM : Richard A. Siegel, Associate General Counsel

SUBJECT: Revision to GC Policy Regarding Use of Internet E-mail by Outside
Parties To Submit Documents To Regional Offices

On May 6, 2003, OM 03-74, "Use of Internet E-mail by Outside Parties To Communicate with Board Agents and Submit Documents to Regional Offices," was issued. Our experience to date with this program has been positive in enhancing communications between parties or their representatives and Board agents and Regional Offices.

Based on a regular review of this program, we have decided to add *Excelsior* Lists to the list of documents that may be sent to Regional, Subregional of Resident Office E-mail boxes. We believe that accepting receipt of this document by E-mail will be beneficial to parties. However, the burden of establishing the timely filing and receipt of the list will continue to be placed on the sending party. The attachment that Regional Offices send to parties with the initial docket letters describing the General Counsel's E-mail and Casehandling policy has been revised to reflect this change. Regions should immediately begin using the revised attachment (attached hereto), which must be edited to include the Region's E-mail address.

If you have any questions regarding this memorandum, please contact your Assistant General Counsel or Deputy or the undersigned.

/s/
R.A.S.

cc: NLRBU

Release to the Public

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**COMMUNICATIONS WITH REGIONAL, SUBREGIONAL AND RESIDENT OFFICES
AND BOARD AGENTS BY E-MAIL**

E-MAIL COMMUNICATIONS: To encourage and facilitate the exchange of case handling information between the parties or their representatives and Board agents, individual Board agents' E-mail addresses will be made available to the parties. We encourage parties and/ or their representatives to provide the Regional, Subregional or Resident Office with their E-mail addresses. E-mail communications with a represented party generally will be through the party's attorney or other representative. If an outside party and/or its representative provides its E-mail address, Board agents will accept and send E-mail messages to arrange appointments, schedule witnesses and exchange other case-relevant information. Please note that a Board agent may be unable to access E-mails when he/she is away from the Regional office. If a party and/or its representative requests that communications not be sent by E-mail, Board agents will honor such request after receipt of the request in the Regional, Subregional or Resident Office.

E-MAIL DOCUMENTS: E-mails that contain a substantive discussion of the merits of a case, whether or not it contains attachments, are considered to be documents and must be submitted to the official E-mail box of the appropriate Regional, Subregional or Resident Office. The E-mail address for this office is:

_____.

The following are examples of documents that may be sent by E-mail to a Regional, Subregional or Resident Office:

- Position Statements
- Notices of Appearance
- Requests for an Extension of Time For Filing
Of Documents Due to be Filed With
a Regional Director or Hearing Officer
- Excelsior* Lists
- Observer Designations
- Requests To Proceed
- Withdrawal Requests
- Disclaimers of Interests

Documents should be in a "read only" format that ensures that the attachment may not be modified or altered. Because documents sent to a Regional, Subregional or Resident Office by E-mail may, on occasion, not be received by that office either because of an incorrect E-mail address, computer viruses or other technical problems, a hard copy of a document submitted to a Regional, Subregional or Resident Office by E-mail must always also be mailed or faxed to that office.

ATTACHMENTS: The NLRB utilizes the Microsoft Office suite of software. An attachment to an E-mail message sent to a Regional, Subregional or Resident Office must be in an electronic format that may be opened, read and printed by that office. Microsoft WORD documents must bear the suffix ".doc"; other documents must be named in a fashion to permit their recognition by the Microsoft suite of software, e.g.,

“.ppt” (PowerPoint) or “.xls” (Excel). The responsibility for the receipt and usability of a document rests exclusively upon the sender.

UNACCEPTABLE E-MAIL TRANSMISSIONS: Outside parties may not electronically transmit to a Regional, Subregional or Resident Office any documents that are required by the Board’s Rules and Regulations to be filed by a date certain. Some examples are:

- Election Objections
- Request For Review
- Briefs in Representation Cases
- Briefs to Administrative Law Judges
- Exceptions and Briefs to the Board
- Answers to Complaints
- Motions for Summary Judgment
- Petitions to Revoke Subpoenas
- Unfair Labor Practice Charges and Representation Petitions

These documents are time-sensitive and timely receipt is occasionally disputed. Because E-mail may not be received for a variety of reasons, including an incorrect E-mail address or virus protections on the Agency’s computer network, receipt by the Regional, Subregional or Resident Office may be delayed or prevented altogether. In addition, these documents tend to be lengthy and may impose a burden on the Agency’s computer system. Accordingly, it is not administratively feasible to accept them. For these reasons, at this time, the General Counsel has decided not to accept receipt of the foregoing documents as E-mail messages or as attachments to E-mail messages. Therefore, attempts to deliver them by E-mail will not be recognized.

SUBJECT LINE: To facilitate the identification of the type of communication or document being transmitted to a Regional Office or a Board agent, outside parties and representatives are requested to place in the subject line of the E-mail message the case name, case number and a brief description of the communication or the document being sent, i.e., position statement, affidavit or scheduling of appointment. Similarly, Board agents will include similar information when sending E-mails to parties or their representatives.

OFFICIAL BUSINESS: Outside parties may send electronic communications to Regional, Subregional and Resident Offices dealing only with official Agency business. E-mails to Board agents or Regional, Subregional or Resident Offices not dealing with official Agency business, such as those soliciting business or advertising products or services, are strictly prohibited.

COMPUTER VIRUSES: Outside parties communicating with Board agents or Regional, Subregional or Resident Offices are requested to take all reasonable steps to prevent sending any material to the Agency that contains computer viruses or other matters that may be harmful to the Agency’s information technology systems.